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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,738	05/04/2005	Nathalie Dorothee Pieterneel Leurs	NL 021108	4555

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,738	LEURS, NATHALIE DOROTHEE PIETERNEL	
	Examiner	Art Unit	
	James Sheleheda	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 03/15/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the foreign patent documents referred to therein have not been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadus (7,203,952) in view of Lemmons et al. (Lemmons) (US 2001/0013126 A1) (of record).

As to claim 1, Broadus discloses a method of providing a selection list of content items (Fig. 5-6; column 7, line 65-column 8, line 9), the method comprising the steps of:

receiving a plurality of content items from at least one content source (column 6, lines 9-16);

determining a content item duration indication for each of the plurality of content items (elapsed duration, remaining duration and total duration; column 7, lines 28-64).

While Broadus discloses presenting a content item list as the selection list to a user (Fig. 5-6; column 7, line 65-column 8, line 15), he fails to specifically disclose determining an ordered content item list by ordering the plurality of content items in response to the content item duration indication of each content item and presenting the ordered content item list.

In an analogous art, Lemmons discloses a method of providing a selection list of content items (Fig. 7; paragraph 74), which will determine an ordered content item list (sorting the programs; paragraph 76, 80-82) by ordering the plurality of content items in response to a time attribute (paragraphs 82-85) and present the ordered content item list (Fig. 7; paragraphs 80-85) for the typical benefit of allowing users to more easily locate programs of interest (paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broadus's system to include determining an ordered content item list by ordering the plurality of content items in response to the content item duration indication of each content item and presenting the ordered content item list, as taught by combination with Lemmons, for the typical benefit of allowing a user to more easily locate programs of interest.

As to claim 2, Broadus and Lemmons disclose wherein the content item duration indication is determined in response to a total duration of each content item (see Broadus at column 7, lines 28-38).

As to claim 3, Broadus and Lemmons disclose wherein the content item duration indication is determined in response to a remaining duration of each content item (see Broadus at column 7, lines 53-64).

As to claim 4, Broadus and Lemmons disclose wherein the content item duration indication is determined in response to a remaining duration of each content item relative to a total duration of each content item (remaining program vs. total duration; see Broadus at column 7, lines 28-38 and column 9, lines 62-67).

As to claim 5, Broadus and Lemmons disclose wherein the content item duration indication is comprises an indication of a fraction of a remaining duration of each content item with respect to the total duration of each content item (remaining program vs. total duration; see Broadus at column 7, lines 28-38 and column 9, lines 62-67).

As to claim 6, Broadus and Lemmons disclose wherein the content item duration indication is determined in response to a received duration of each content item (see Broadus at column 7, lines 53-64).

As to claim 7, Broadus and Lemmons disclose wherein the content item duration indication is determined in response to a presented duration of each content item relative to a total duration of each content item (remaining program vs. total duration; see Broadus at column 7, lines 28-38 and column 9, lines 62-67).

As to claim 8, Broadus and Lemmons disclose wherein the content item duration indication comprises an indication of a fraction of a presented duration of each content item with respect to the total duration of each content item (remaining program vs. total duration; see Broadus at column 7, lines 28-38 and column 9, lines 62-67).

As to claim 9, Broadus and Lemmons disclose determining a second content item duration indication for each of the plurality of content items (elapsed duration, remaining duration; see Broadus at column 7, lines 53-64); the second content item duration indication being different from the content item duration indication (elapsed duration, remaining duration; see Broadus at column 7, lines 53-64); and

wherein the step of determining an ordered content item list comprises ordering the plurality of content items (see Lemmons at Fig. 7; paragraphs 80-85) in response to the content duration indication of each content item (such as elapsed time; see Broadus at column 7, lines 53-64) or in response to the second

content item duration indication of each content item (such as remaining time; see Broadus at column 7, lines 53-64) in response to a user preference (user selection of a particular sort option; see Lemmons at Fig. 7, paragraphs 80-85).

As to claim 10, Broadus and Lemmons disclose wherein the user preference is determined in response to a user input (user selection of a particular sort option; see Lemmons at Fig. 7, paragraphs 80-85).

As to claim 11, Broadus and Lemmons disclose wherein a single user activation causes the user preference to switch between being associated with the content item duration indication and being associated with the second content item duration indication (user selection of another sort option; see Lemmons at Fig. 7, paragraphs 80-85).

As to claim 12, Broadus and Lemmons disclose determining the user preference in response to at least one previous user preference input (defined by previous user search selections; see Lemmons at Fig. 7, paragraphs 82).

As to claim 13, Broadus and Lemmons disclose determining a preferred user preference for different operating conditions (preferred default selection; see Lemmons at paragraphs 78 and 82); determining a current operating condition (desired operation, such as search or sort; see Lemmons at paragraph 78 and paragraph 80);

setting the user preference as the preferred user preference for the current operating condition (see Lemmons at paragraphs 78 and 82).

As to claim 14, Broadus and Lemmons disclose wherein the current operating condition is determined in response to at least a content item content characteristic (as different content searches would have different available sort selections; see Lemmons at paragraph 82).

As to claim 15, Broadus and Lemmons disclose wherein the plurality of content items include at least one content item from the group of video sources and audio sources (see Broadus at column 3, line 59-column 4, line 16).

As to claim 16, Broadus and Lemmons disclose wherein the plurality of content items is received from a plurality of content sources (see Broadus at column 3, line 59-column 4, line 16).

As to claim 17, Broadus and Lemmons disclose a computer program enabling a method to be carried out (see Broadus at column 5, lines 37-46) according to claim 1 (see the rejection of claim 1 above).

As to claim 18, Broadus discloses an apparatus for providing a selection list of content items (STB, 102; Fig. 5-6; column 7, line 65-column 8, line 9), the apparatus comprising:

a content receiver (302, column 4, lines 55-65) for receiving a plurality of content items from at least one content source (column 6, lines 9-16);

a duration processor (312, column 6, lines 24-35) for determining a content item duration indication for each of the plurality of content items (elapsed duration, remaining duration and total duration; column 7, lines 28-64).

While Broadus discloses a processor for controlling all of the software components of the system (column 6, lines 24-35) and a user interface for presenting a content item list as the selection list to a user (Fig. 5-6; column 7, line 65-column 8, line 15), he fails to specifically disclose determining an ordered content item list by ordering the plurality of content items in response to the content item duration indication of each content item and presenting the ordered content item list.

In an analogous art, Lemmons discloses a method of providing a selection list of content items (Fig. 7; paragraph 74), which will determine an ordered content item list (sorting the programs; paragraph 76, 80-82) by ordering the plurality of content items in response to a time attribute (paragraphs 82-85) and present the ordered content item list (Fig. 7; paragraphs 80-85) for the typical benefit of allowing users to more easily locate programs of interest (paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broadus's system to include determining an ordered content item list by ordering the plurality of content items in response to the content item duration indication of each content item and presenting the

ordered content item list, as taught by combination with Lemmons, for the typical benefit of allowing a user to more easily locate programs of interest.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watson et al. (US 2004/0133923 A1) disclosing sorting programs based upon a rental period duration.

Kaminski et al. (US 2002/0199185 A1) disclosing sorting programs based upon a buffering duration.

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

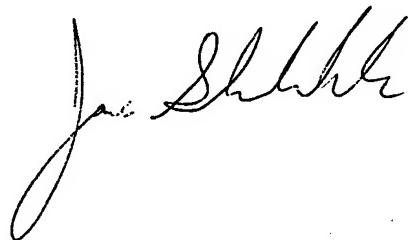
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Sheleheda
Patent Examiner
Art Unit 2623

JS

A handwritten signature in black ink, appearing to read "James Sheleheda".